

Revised Facility and Aboveground Storage Tank (AST) Regulations

9VAC25-91

Effective date: November 1, 2015

The AST regulations were revised primarily to incorporate new performance standards for certain aboveground storage tanks located in the City of Fairfax as mandated by actions taken by the 2011 General Assembly (CH 884 of the 2011 Acts of Assembly). Other changes align Virginia's regulatory requirements with federal requirements and current industry standards. An overview of the significant changes is provided below:

Current Section	Requirement	Description of Changes
10	Definitions	A definition of "elevated tank" was added to the regulations.
20	Applicability	Clarification provided on which oil capacities are included when calculating the aggregate storage capacity of the facility.
30	Exclusions	The regulation now excludes ASTs that are integral parts of equipment or machinery. Examples of licensed motor vehicles that are excluded from the regulation have been added to the regulation. (e.g. airport refueling trucks, mobile refueling vehicles)
60	Administrative Fees	Registration fees are no longer charged. Fees will still be required for initial review of Oil Discharge Contingency Plans (ODCP).
100	Registration	Clarification provided that when there is a change in ownership, a new registration form is required.
120	AST Closure	Revision now allows for the use of approvable leak detection systems instead of requiring soil sampling at the time of AST closure.
130	Pollution Prevention	This section was reorganized and removed redundant requirements from the regulations. It is organized on basis of aggregate size of facility. Additionally: <i>Inventory Control</i> - Facilities are no longer required to reconcile physical measurements every time a stored amount is recorded. If a significant variation exists for two consecutive reconciliation periods, the facility operator is then required to reconcile physical measurements. <i>Secondary Containment</i> - Clarifications have been made to the secondary containment requirements. The PE certification specific wording is prescribed in the regulations, without qualifications. If the PE certification includes qualifications, those qualifications are subject to review and approval. <i>Safe fill and shutdown procedures</i> - The regulations now stipulates that a written safe fill, shutdown and transfer procedure be maintained by the operator for use by facility personnel. <i>Visual and weekly inspections</i> . Facilities are allowed to conduct inspections less frequently than daily/weekly in certain situations but no less frequent than once every 14 days.
140	Performance standards for newly installed, retrofitted, or brought into use ASTs.	References to NFPA 30 and BOCA were replaced with a reference to the Uniform Statewide Building Code. The Uniform Statewide Building Code references many codes and standards, and is required to be followed in Virginia.
145	Performance standards for ASTs located in the City of Fairfax	This is a new requirement placed on 1 million gallon or more AST facilities in the City of Fairfax. By July 1, 2021, the impacted facilities must satisfy specific requirements for strength testing, and release prevention barriers.
150	Recordkeeping	Stipulates that state inspection records are to be kept at the facility.
160	Variances	Several additional variances by regulation to the inventory control requirements were added.
220	Resources	Updated the list of resources and cited references